

Pro Se 15 2016

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

Cecile A. Brown _____

_____,

Plaintiff(s),

v.

U.S. District Judge John C. Coughenour

Chambers

_____,

CASE NO. 21-CV-662-MJP
[to be filled in by Clerk's Office]

COMPLAINT FOR VIOLATION
OF CIVIL RIGHTS
(for use only by plaintiffs not in
custody)

Jury Trial: Yes No

I. THE PARTIES TO THIS COMPLAINT

A. Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Cecile A. Brown
Street Address	3222 Violet St. A
City and County	Alexandria and Rapides
State and Zip Code	Louisiana
Telephone Number	(318) 528 - 0335

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Defendant No. 4

Name _____

Job or Title (*if known*)

Street Address

City and County

State and Zip Code

Telephone Number

Individual capacity

Official capacity

II. PREVIOUS LAWSUITS

Have you brought any other lawsuits in any federal court in the United States:

No Yes If yes, how many? 2.

Describe the lawsuit:

Negligence and Defendant owe money (BVA appeal/VA Benefits).

Title 18, U.S.C., Section 241 Conspiracy Against Rights

This statute makes it unlawful for two or more persons to conspire to injure, oppress, threaten, or intimidate any person of any state, territory or district in the free exercise or enjoyment of any right or privilege secured to him/her by the Constitution or the laws of the United States, (or because of his/her having exercised the same). _____

Parties to this previous lawsuit:

Cecile A. Brown

United States of America

Board of Veteran Appeals

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1 Kimberly Osborne Deputy Vice Chair

2 Department of Veterans Affairs

3 Administrative Review

4 Appeals Management Call Center

5 Congress

6 Compensation Department

7 VA Central Office/ Rating Activity

11 Plaintiff(s)

12 Cecile A. Brown

16 Defendant(s)

17 United States of America

18 Board of Veteran Appeals

19 Kimberly Osborne Deputy Vice Chair

20 Department of Veterans Affairs

21 Administrative Review

22 Appeals Management Call Center

23 Congress

24 Compensation Department

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1 VA Central Office/ Rating Activity

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5 *(If there is more than one previous lawsuit, describe the additional lawsuits on another
piece of paper using the same outline. Attach additional sheets, if necessary)*

6 Court and name of district:

7 Western District of Washington United States District Court

8 Docket Number: Case 1) 2: 21 -cv- 00246JCC and Case 2) 2:21 -cv- 00287JCC

9 Assigned Judge: U.S. District Judge John C. Coughenour

10 Disposition: *(For example, was the case dismissed as frivolous or for failure to state a
claim? Was it appealed? Is it still pending?)*

11 Case dismissed April 21, 2021 for lack of subject matter jurisdiction.

12 Motions Terminated for the reopening of case for negligence and defendant owe money

13 May 11, 2021.

14 Second Pending Motions to reopen both cases was filed on May 14, 2021.

15 Approximate filing date of lawsuit: 2/26/2021 & 3/4/2021

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24 Approximate date of disposition: N/A

III. BASIS FOR JURISDICTION

Under 42 U.S.C. § 1983, you may sue state or local officials for the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." Under *Bivens*

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1 v. *Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may
2 sue federal officials for the violation of certain constitutional rights.

3 A. Are you bringing suite against (*check all that apply*):

- 4 Federal officials (a *Bivens* claim)
5 State or local officials (a § 1983 claim)

6 B. Section 1983 allows claims alleging the "deprivation of any rights, privileges, or
7 immunities secured by the Constitution and [federal laws]." 42 U.S.C. § 1983. If you are
8 suing under section 1983, what federal constitutional or statutory right(s) do you claim
9 is/are being violated by state or local officials?

10 **Title 18, U.S.C., Section 241 Conspiracy against rights.**

11 **Title 18 U.S.C. Section 242 Deprivation of Rights under Color of Law.**

12 **Sec. 1983 – Civil action for deprivation of rights.**

13 **UNITED STATES CODE, TITLE 42, SECTION 1983.**

14 Every person who, under color of any statute ordinance, regulation, custom, or by usage, of any
15 State or Territory, subjects, or causes to be subjected, any citizen of the United States or other
16 person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities
17 secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit
18 in equity, or other proper proceeding for redress. EVERY PERSON SHALL BE LIABLE IN AN
19 ACTION AT LAW SUIT IN EQUITY NO EXCLUSION FOR JUDGES BY ANY ACT OF
20 CONGRESS.

21 Violation of 42 U.S. Code § 1986. **Action for neglect to prevent [imminent harm by**
22 **ruling on summary judgement May 7, 2021].** Every person who, having knowledge that any of
23 the wrongs conspired to be done, and mentioned in section 1985 of this title, are about to be
24 committed, and having power to prevent or aid in preventing the commission of the same,

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1 neglects or refuses so to do, if such wrongful act be committed, shall be liable to the party
2 injured, or his legal representatives, for all damages caused by such wrongful act, which such
3 person by reasonable diligence could have prevented; and such damages may be recovered in an
4 action on the case...

5 Case terminated 5/11/2021; when Negligence is established on 4/23/2021 and Ruling is
6 in favor of plaintiff. How is case terminated without ruling on the merits and negligence is
7 established when the defendant owed a duty of care to the plaintiff and ruling is in favor of
8 plaintiff? How are judges committing these minister actions and there is no penalty? I, Cecile A.
9 Brown, have not been paid by government and since December of 2020. This is May 2021 and
10 how exactly do I suppose to make it when the court is at fault for dismissing case, terminating
11 case, delaying case and causing emotional and financial distress harm to the plaintiff?

12 Negligence is a failure to exercise appropriate and/or ethical ruled care expected to be
13 exercised amongst specified circumstances. Negligence involves harm caused by failing to act as
14 a form of carelessness possibly with extenuating circumstances. Negligence is that Chambers or
15 Judges should exercise reasonable care in their actions, by taking account of the potential harm
16 that they might foreseeably cause to other people or property.

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20 C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional
21 rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are
22 being violated by federal officials?

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1 **Constitutional rights being violated by federal officials are Civil Rights Violations of**
2 **the Supreme Law of the Land. A judge or judges should comply fully with the Constitution**
3 **if not his order are void. Title 18., Section 241 Conspiracy Against Rights, Title 18, U.S.C.,**
4 **Section 242 Deprivation of Rights under color of law, and Sec. 1983-Civil action for**
5 **deprivation of rights.**

6 *Should a judge not disqualify himself, then the judge is violation of the Due Process*
7 *Clause of the U.S. Constitution.* United States v. Sciuto, 521 F.2d 842, 845 (7th Cir. 1996)
8 ("The right to a tribunal free from bias or prejudice is based, not on section 144, but on the Due
9 Process Clause.").

10 *Should a judge issue any order after he has been disqualified by law, and if the party*
11 *has been denied of any of his / her property, then the judge may have been engaged in the*
12 *Federal Crime of "interference with interstate commerce".* The judge has acted in the judge's
13 personal capacity and not in the judge's judicial capacity. It has been said that this judge,
14 acting in this manner, has no more lawful authority than someone's next-door neighbor (provided
15 that he is not a judge). However, some judges may not follow the law.

16
17 The Supreme Court has also held that if a judge wars against the Constitution, or if he acts
18 without jurisdiction, he has engaged in treason to the Constitution. *If a judge acts after he has*
19 *been automatically disqualified by law, then he is acting without jurisdiction,* and that suggest
20 that he is then engaging in criminal acts of treason, and may be engaged in extortion and the
21 interference with interstate commerce.

22 *Courts have repeatedly ruled that judges have no immunity for their criminal acts.* Since
23 both treason and the interference with interstate commerce are criminal acts, no judge has
24 immunity to engage in such acts. No state legislator or executive or judicial officer can war

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1 against the Constitution without violating his undertaking to support it. Cooper v. Aaron, 358
2 U.S. 1, 78 S. ct. 1401 (1958). Violation of the Supreme Law of the Land. A judge has to fully
3 comply with the Constitution if not his orders are void.

4 When a judge acts intentionally and knowingly to deprive a person of his constitutional
5 rights he exercises no discretion or individual judgement; he acts no longer as a judge, but as a
6 "minister of his own prejudices. [386 U.S. 547, 568] A judge is liable for injury caused by a
7 ministerial act. The presence of malice and the intention to deprive a person of his civil rights is
8 wholly incompatible with the judicial function. _____

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12 D. Section 1983 allows defendants to be found liable only when they have acted "under
13 color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or
14 the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain
15 how each defendant acted under color of state or local law. If you are suing under
16 *Bivens*, explain how each defendant acted under color of federal law. Attach additional
17 pages if needed.

18 Judge acted intentionally and knowingly to deprive a person of his constitutional rights he
19 exercises no discretion or individual judgment; he acts no longer as a judge, but as a "minister"
20 of his own prejudices. [386 U.S. 547, 568].
21 A judge is liable for injury caused by a ministerial act; to have immunity the judge must be
22 performing a judicial function. See, e. g., Ex parte Virginia, 100 U.S. 339 ; 2 Harper & James,
23 The Law of Torts 1642-1643 (1956).
24 The presence of malice and the intention to deprive a person of his civil rights is wholly
25 incompatible with the judicial function.

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3 **IV. STATEMENT OF CLAIM**

4 *State as briefly as possible the facts of your case. Describe how each defendant was personally
5 involved in the alleged wrongful action, along with the dates and locations of all relevant events.
6 You may wish to include further details such as the names of other persons involved in the events
7 giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted,
8 number each claim and write a short and plain statement of each claim in a separate paragraph.
9 Attach additional pages if needed.*

10 U.S. District Judge John C. Coughenour, and Chambers, involved in violation of due
11 process to enforce a judgement against a party to a proceeding without having given him an
12 opportunity to be heard before final judgement. Chambers enforced motion termination when
13 judgement is in the favor of plaintiff and not the defendant. The court is under a duty to examine
14 the complaint to determine if the allegations provide for relief on any possible theory. Relief on
15 any possible theory is negligence as a matter of law is an undisputed fact or facts, so conclusive
16 of negligence in conduct or omission in violation of a standard of care which is clear in its
17 requirements and in its application to the case, that there is no question to be submitted to the
18 jury and the courts declare that negligence is established. The defendant committed a ministerial
19 act that caused harm to the plaintiff. Dates of egregious conduct committed 4/21/2021
20 (Dismissal) and 5/11/2021 (Termination). Place Western District of Washington United States
21 District Court. Claims: 2:21-cv-00246JCC & 2:21-cv-00287JCC _____
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A. Where did the events giving rise to your claim(s) occur?

Western District of Washington United States District Court

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1 B. What date and approximate time did the events giving rise to your claim(s) occur?

2 4/21/2021 & 5/11/2021

3 C. What are the facts underlying your claim(s)? (For example: *What happened to you?*

4 *Who did what? Was anyone else involved? Who else saw what happened?*)

5 I did not receive ruling for negligence established because Chambers terminated motion
6 to reopen case. District Judge did not give pro se wide latitude. Chambers saw a valid cause of
7 action when all the legal elements of claim exist in complaint case of negligence and defendant
8 owe money.

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12 V. INJURIES

13 If you sustained injuries related to the events alleged above, describe your injuries and state
what medical treatment, if any, you required and did or did not receive.

14 (1) **Negligence in performing a ministerial act** (one that is performed in a prescribed
manner without the exercise of judgment or discretion); (2) **negligence in executing a**
16 **governmental act where imminent injury to a specific individual was foreseeable;** and
17 (3) **wanton, willful, or malicious misconduct** (acts manifesting a reckless disregard of the
consequences or rights and safety of others). Duty to act to prevent imminent harm. Summary
19 Judgment was necessary to issue ruling May 7, 2021 and the Judge failed to do and perform
20 some duty or duties laid on him as such by virtue of his office or which is required of him by law
21 to issue summary judgement ruling.

22 No medical treatment required only compensatory damages.

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1 VI. RELIEF

2 State briefly what you want the court to do for you. Make no legal arguments. Do not cite any
3 cases or statutes. If requesting money damages, include the amounts of any actual damages
and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

4 Actual damages for a wrongful termination need to be paid effective immediately for
5 pain and suffering and damages incurred as a result to wrongful termination 5/11/2021. I request
6 the court to pay \$50, 000, 000.00 for failure to take action on motion to reopen case and
7 summary judgement. Failure to prevent imminent harm by providing lawsuit damages. Loss
8 income and not being able to have stability. Severe emotional distress not being able to take care
9 of health and other necessities.

10 Basis for the claim is negligence failure to exercise appropriate and/or ethical ruled care
11 expected to be exercised amongst specified circumstances. Negligence involves harm caused by
12 failing to act as a form of carelessness possibly with extenuating circumstances. Chambers
13 should have exercise reasonable care in their actions, by taking account of the potential harm that
14 they might foreseeably cause to other people or property.

15 _____
16 _____
17 VII. CERTIFICATION AND CLOSING

18 Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my
19 knowledge, information, and belief that this complaint: (1) is not being presented for an improper
20 purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation;
21 (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or
22 reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so
23 identified, will likely have evidentiary support after a reasonable opportunity for further

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1 investigation or discovery; and (4) the complaint otherwise complies with the requirements of
2 Rule 11.

3 I agree to provide the Clerk's Office with any changes to my address where case-related
4 papers may be served. I understand that my failure to keep a current address on file with the
5 Clerk's Office may result in the dismissal of my case.

6 Date of signing: 05-17-2021

7 Signature of Plaintiff Cecile Brown

8 Printed Name of Plaintiff Cecile Brown

9

10 Date of signing: _____

11 Signature of Plaintiff _____

12 Printed Name of Plaintiff _____

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14 Date of signing: _____

15 Signature of Plaintiff _____

16 Printed Name of Plaintiff _____

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Brown v. United States District Court for the Western District of Washington Chambers

PRO SE STANDARD OF REVIEW

Judges and court must give Pro Ses wide latitude and cannot dismiss an action if there is any valid cause that they can see, even if you are not pointing out the right law and presenting it well

Because the Plaintiff is pro se, the Court has a higher standard when faced with a motion to dismiss, *White v. Bloom*, 621 F.2d 276 makes this point clear and states: A court faced with a motion to dismiss a pro se complaint must read the complaint's allegations expansively, *Haines v. Kerner*, 404 U.S. 519, 520-21, 92 S. Ct. 594, 596, 30 L. Ed. 2d 652 (1972), and take them as true for purposes of deciding whether they state a claim. *Cruz v. Beto*, 405 U.S. 319, 322, 92 S. Ct. 1079, 1081, 31 L. Ed. 2d 263 (1972).

Pro se litigants' court submissions are to be construed liberally and held to less stringent standards than submissions of lawyers. If the court can reasonably read the submissions, it should do so despite failure to cite proper legal authority, confusion of legal theories, poor syntax and sentence construction, or litigant's unfamiliarity with rule requirements. *Boag v. MacDougall*, 454 U.S. 364, 102 S.Ct. 700, 70 L.Ed.2d 551 (1982); *Estelle v. Gamble*, 429 U.S. 97, 106, 97 S.Ct. 285, 50 L.Ed.2d 251 (1976)(quoting *Conley v. Gibson*, 355 U.S. 41, 45-46, 78 S.Ct. 99, 2 L.Ed.2d 80 (1957)); *Haines v. Kerner*, 404 U.S. 519, 92 S.Ct. 594, 30 L.Ed.2d 652 (1972); *McDowell v. Delaware State Police*, 88 F.3d 188, 189 (3rd Cir. 1996); *United States v. Day*, 969 F.2d 39, 42 (3rd Cir. 1992)(holding pro se petition cannot be held to same standard as pleadings drafted by attorneys); *Then v. I.N.S.*, 58 F.Supp.2d 422, 429 (D.N.J. 1999).

The courts provide pro se parties wide latitude when construing their pleadings and papers. When interpreting pro se papers, the Court should use common sense to determine what relief the party desires. *S.E.C. v. Elliott*, 953 F.2d 1560, 1582 (11th Cir. 1992). See also, *United States v. Miller*, 197 F.3d 644, 648 (3rd Cir. 1999) (Court has special obligation to construe pro se litigants' pleadings liberally); *Poling v. K.Hovnanian Enterprises*, 99 F.Supp.2d 502, 506-07 (D.N.J. 2000).

Defendant has the right to submit pro se briefs on appeal, even though they may be in artfully drawn but the court can reasonably read and understand them. See, *Vega v. Johnson*, 149 F.3d 354 (5th Cir. 1998). Courts will go to particular pains to protect pro se litigants against consequences of technical errors if injustice would otherwise result. *U.S. v. Sanchez*, 88 F.3d 1243 (D.C.Cir. 1996).

Moreover, "the court is under a duty to examine the complaint to determine if the allegations provide for relief on any possible theory." *Bonner v. Circuit Court of St. Louis*, 526 F.2d 1331, 1334 (8th Cir. 1975) (quoting *Bramlet v. Wilson*, 495 F.2d 714, 716 (8th Cir. 1974)). Thus, if this court were to entertain any motion to dismiss this court would have to apply the standards of

White v. Bloom. Furthermore, if there is any possible theory that would entitle the Plaintiff to relief, even one that the Plaintiff hasn't thought of, the court cannot dismiss this case.

“s/Cecile Brown”, Plaintiff

5/17/2021

browncecile@yahoo.com

318 528 0335